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Date: (Filing No. S-)

ENVIRONMENT AND NATURAL RESOURCES

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE
SENATE
132ND LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 745, L.D. 1904, “An Act to Establish the Municipal Shoreline Protection Legal Fund”

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 38 MRSA §450 is enacted to read:

§450. Municipal Shoreline Protection Legal Fund

1. Fund established. The Municipal Shoreline Protection Legal Fund, referred to in this section as "the fund," is established within the department to provide financial assistance to municipalities that have incurred or expect to incur legal costs in pursuing shoreland zoning violations. The fund consists of money received from any public or private source, including, but not limited to, any monetary penalties deposited in the fund in accordance with section 480-R, subsection 1. The fund must be held separate and apart from all other money, funds and accounts. Interest earned by the fund must be credited to the fund. Any unexpended balances remaining in the fund at the end of any fiscal year do not lapse and must be carried forward to the next fiscal year.

2. Administration; use of money in fund. The department shall administer the fund. In accordance with rules adopted by the department pursuant to subsection 4, the department shall use money in the fund to provide financial assistance to municipalities that have incurred or expect to incur legal costs in pursuing shoreland zoning violations. The department may use money in the fund to cover the department's actual costs incurred in administering the fund.

3. Reimbursement. In accordance with rules adopted by the department pursuant to subsection 4, a municipality that receives financial assistance from the fund under subsection 2 may be required to reimburse the fund following the settlement or final adjudication of the legal claim for which the financial assistance was received.

4. Rules. The department shall adopt rules necessary for the implementation and administration of the fund, including, but not limited to, rules establishing standards for the provision of financial assistance from the fund to a municipality pursuant to subsection 2

COMMITTEE AMENDMENT

1 and rules establishing standards for municipal reimbursement of financial assistance
 2 received from the fund pursuant to subsection 3. Rules adopted pursuant to this subsection
 3 are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

4 **Sec. 2. 38 MRSA §480-R, sub-§1**, as enacted by PL 1987, c. 809, §2, is amended
 5 by enacting at the end a new first blocked paragraph to read:

6 Notwithstanding any provision of law to the contrary, of the total penalties paid by all
 7 persons found to have violated this article in any fiscal year, the commissioner shall ensure
 8 that \$100,000 of that amount, or the total amount of penalties paid in the fiscal year if that
 9 amount is less than \$100,000, is deposited in the Municipal Shoreline Protection Legal
 10 Fund established in section 450.

11 **Sec. 3. Transfer from General Fund unappropriated surplus; Department**
 12 **of Environmental Protection, Municipal Shoreline Protection Legal Fund.** On
 13 or before September 1, 2026, the State Controller shall transfer \$100,000 from the
 14 unappropriated surplus of the General Fund to the Department of Environmental
 15 Protection, Municipal Shoreline Protection Legal Fund, Other Special Revenue Funds
 16 account to provide financial assistance to municipalities that have incurred or expect to
 17 incur legal costs in pursuing shoreland zoning violations in accordance with the provisions
 18 of the Maine Revised Statutes, Title 38, section 450.

19 **Sec. 4. Appropriations and allocations.** The following appropriations and
 20 allocations are made.

21 **ENVIRONMENTAL PROTECTION, DEPARTMENT OF**

22 **Land Resources Z188**

23 Initiative: Provides funding for one Environmental Specialist III position and associated
 24 All Other costs.

25 GENERAL FUND	2025-26	2026-27
26 POSITIONS - LEGISLATIVE COUNT	0.000	1.000
27 Personal Services	\$0	\$79,114
28 All Other	\$0	\$22,767
29		
30 GENERAL FUND TOTAL	\$0	\$101,881

31 **Municipal Shoreline Protection Legal Fund N528**

32 Initiative: Provides ongoing allocations to allow for the provision of financial assistance to
 33 municipalities that have incurred or expect to incur legal costs in pursuing shoreland zoning
 34 violations in accordance with the Maine Revised Statutes, Title 38, section 450.

35 OTHER SPECIAL REVENUE FUNDS	2025-26	2026-27
36 All Other	\$0	\$100,000
37		
38 OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$100,000

40 **ENVIRONMENTAL PROTECTION,**
 41 **DEPARTMENT OF**

42 DEPARTMENT TOTALS	2025-26	2026-27
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GENERAL FUND	\$0	\$101,881
OTHER SPECIAL REVENUE FUNDS	\$0	\$100,000
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$201,881

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment, which is the majority report of the committee, replaces the bill. It establishes the Municipal Shoreline Protection Legal Fund within the Department of Environmental Protection to provide financial assistance to municipalities that have incurred or expect to incur legal costs in pursuing shoreland zoning violations. In accordance with rules adopted by the department, a municipality that receives financial assistance from the fund may be required to reimburse the fund following the settlement or final adjudication of the legal claim for which the financial assistance was received.

The amendment also amends the Natural Resources Protection Act to direct that, of the total penalties paid by all persons found to have violated that Act in any fiscal year, the Commissioner of Environmental Protection shall ensure that \$100,000 of that amount, or the total amount of penalties paid in the fiscal year if that amount is less than \$100,000, is deposited in the Municipal Shoreline Protection Legal Fund. It also directs the State Controller, on or before September 1, 2026, to transfer \$100,000 from the unappropriated surplus of the General Fund to the Department of Environmental Protection, Municipal Shoreline Protection Legal Fund, Other Special Revenue Funds account and provides a corresponding allocation.

FISCAL NOTE REQUIRED
(See attached)